

July 10, 2006
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Alderman Parker, followed by the pledge of allegiance to the flag which was led by Alderman Berry.

On the motion of Alderman Witcher and seconded by Alderman Hight and by consent of all members present, the minutes of a regular council meeting held on Monday, June 26, 2006, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, communications # 1, 2, 3, 4, 5, 6, 7, 8 and 9 were accepted and filed (8/0).

1. Jim Harvey, Central Arkansas Water Director letter to Mayor Hays re: reappointment of Thomas W. Rimmer to the Board of Commissions for Central Arkansas Water.
2. Mike Smith, City Engineer memorandum to Mayor Hays and City Council re: Proposed 2006 Sidewalk Program.
3. Bubba Lloyd, Jr. Ballot Title re: Referendum for or against repealing Resolution No. 6970 which dramatically increases electric rates for all North Little Rock Electric Customers, and copy of unsigned Petition pertaining to the same (a resolution accepting the bid to provide wholesale power to the City of North Little Rock).
4. Sharon Tedford, Mayor's Office memorandum re: application for retail liquor and retail beer off premises replacement for Laddie Singh, Big "D" Liquor, 2400 Railroad by Ravinder Singh.
5. Bessie M. Jackson, Field Office Director, US Department of Housing and Urban Development re: North Little Rock Consolidated Annual Performance and Evaluation Report (CAPER) January 1, 2005, through December 31, 2005. Conclusion CAPER meets all submission requirements, activities carried out described in plan; continuing capacity to implement CDBG and HOME Programs and congratulating the City of North Little Rock for its accomplishments.
6. Congressman Vic Snyder letter to Mayor Hays re: HR 5252, Communications Opportunity, Promotion, and Enhancement (COPE) Act of 2006 (re: Cable Rates).
7. Mike Smith, City Engineer memorandum to Mayor Hays and City Council re: 2006 Asphalt

Overlay Program. Due to increases asphalt prices (from \$39.50 per ton in 2005 to \$57.88 per ton in 2006), the 2006 Overlay Program has been revised.

8. Bob Sisson, Finance Director, memorandum including NLR Electric Audit Reports for year ended December 31, 2005.
9. Jim Harvey, Central Arkansas Water Director letter to Mayor Hays and City Council re: "Protecting Lake Maumelle – A Drinking Water Supply Source for Central Arkansas Water.

Mayor Hays advised roadway projects had to be scaled back due to an increase in asphalt costs (see communication #7).

Mayor Hays convened a public hearing at 7:05 p.m. regarding a speed circle on Kierre Drive. Mr. Tim Marvin, Director of Traffic Services spoke regarding the location and design of the proposed traffic or speed circle along with expense. He brought a ceramic traffic button to illustrate what could be installed in the area. Mayor Hays asked Mr. Marvin to provide a diagram of the location illustrating how the speed circle would look and effect the neighborhood. Alderman Gipson asked a sign be posted in the area so people would know a public hearing will be continued to the next City Council meeting. Mayor Hays recessed the public hearing until the next City Council meeting, Monday, July 24, 2006, at 7:05 p.m.

Mayor Hays advised 500 volunteers worked to help with the United States Youth Soccer League Region 3 Tournament held at the Burns Park Soccer Fields in North Little Rock. Almost 10,000 people stayed in hotels in the area. Mayor Hays invited Ms. Susan Roehrenbeck who chaired the event to come forward. Ms. Roehrenbeck said there were lots of compliments from those visiting the area. As a token of their appreciation, she presented each council members with a ball cap and T-shirt from the Association. Mayor Hays said the city is proud to have been a participant and looks forward to the return of the Region 3 Tournament in the future.

Alderman Hight introduced his wife Becky and two of his three grandchildren, Emma Grace and Lily Thomas.

UNFINISHED BUSINESS

O-06-49 (ORDINANCE NO. 7841- ALDERMAN GISPON)

AN ORDINANCE PROHIBITING ACCESS TO RESIDENTIAL PROPERTY ACROSS CURBS AND SIDEWALKS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time May 8, 2006, was read a second time on May 22, 2006, was read a third and final time. A motion to amend was made by Alderman Gipson and seconded by Alderman Berry. Alderman Gipson said the amendment would change the wording to include *Horizontal Curbs* and *Maintenance Vehicles*. Mayor Hays asked if a person could drive a vehicle over a horizontal curb if they were unloading something at their home. On the previous motion, and by consent of all members present, the ordinance was amended as follows:: *see substituted copy this date* (8/0). Alderman Thomas said a lot of people park in their back yard. Alderman Gipson said people can still access their yard through their driveway, this ordinance would prohibit driving over horizontal curbs to park. Alderman Hight asked how it would be enforced. On the motion of Alderman Gipson and seconded by

Alderman Bryant, and by consent of all members present, the ordinance was again amended as follows:: *New Section 2: VIOLATION OF SECTION 1 SHALL BE PUNISHED AS PROVIDED FOR IN NORTH LITTLE ROCK MUNICIPAL CODE SECTION 1-8 (8/0)*. A motion to adopt as amended was made by Alderman Gipson and seconded by Alderman Bryant. After discussion, a motion to adopt as amended was made by Alderman Parker and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, with the exception of Aldermen Thomas and Hight, the ordinance was adopted as amended (6/2). The emergency clause was not called at the request of the sponsor, Alderman Gipson, therefore, no emergency exists and the ordinance will be effective in 60 days.

O-06-57

AN ORDINANCE AUTHORIZING A BARRIER TO BE INSTALLED ON WEST SCENIC DRIVE, APPROXIMATELY 180 FEET WEST OF PARKVIEW DRIVE; NOTING CHANGE ON MASTER STREET PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on May 22, 2006, and a public hearing was held on that date, was read a second time June 12, 2006, was called. Alderman Parker advised he would like to table the item and would request council support for a resolution to allow 4 non-permanent/removable speed humps to be installed in the area. Alderman Gipson advised the council had a procedure in place for requesting speed humps and suggested four-way stop signs in the area. Alderman Parker said speeding is only half of the problem, litter continues to be a problem in the area and advised the citations are not being issued. Mayor Hays asked North Little Rock Police Chief Danny Bradley and Code Enforcement Director Tom Wadley to issued citations when littering occurs. After further discussion, Alderman Parker held the legislation.

NEW BUSINESS

R-06-95 (RESOLUTION NO. 6971 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ALDERMAN MURRY WITCHER TO THE SENIOR CITIZENS COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-96 (RESOLUTION NO. 6972 - MAYOR HAYS)

A RESOLUTION REAPPOINTING VERNON McCLAIN TO THE ADVERTISING AND PROMOTION COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-97

A RESOLUTION ACCEPTING THE CONSTRUCTION MANAGER'S GROSS MAXIMUM PRICE FOR THE CONSTRUCTION WORK ON ADDITIONS TO AND RENOVATIONS AT THE PATRICK H. HAYS SENIOR CITIZENS CENTER; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays.

R-06-98 (RESOLUTION NO. 6973 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PROJECT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH LITTLE

ROCK, NRG ENERGY, INC., EAST TEXAS ELECTRIC COOPERATIVE, INC. AND SOUTH MISSISSIPPI ELECTRIC POWER ASSOCIATION; AND FOR OTHER PURPOSES, was read. After discussion and on the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, with the exception of Alderman Witcher who abstained, the resolution was adopted (7/1).

O-06-65

AN ORDINANCE ESTABLISHING SMARTHOUSE WAY CENTRAL BUSINESS IMPROVEMENT DISTRICT NO. 27 OF NORTH LITTLE ROCK, ARKANSAS;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Mayor Hays scheduled a public hearing for 7:05 p.m. on Monday, July 24, 2006. Ms. Whitbey advised notice of the public hearing will have been published three times by that date. Mr. Michael Drake, Main Street/Argenta Director discussed the proposed district and site. The legislation was then held by the sponsor, Mayor Hays.

O-06-66

AN ORDINANCE REPEALING ORDINANCE NO. 7735 WHICH ALLOWED A SPECIAL USE FOR A CELL TOWER AT CERTAIN REAL PROPERTY LOCATED AT INDIAN HILLS SCHOOL ON INDIAN HILLS DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

Mr. Charles Singleton, Attorney at Law was hired today to represent Verizon and advised the company is committed to making the sites acceptable to the city and asked for time to comply. Mr. Singleton has not seen the tower at Indian Hills School. On the motion of Alderman Gipson and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time and held at the request of the sponsors.

O-06-67

AN ORDINANCE REPEALING ORDINANCE NO. 7736 WHICH ALLOWED A SPECIAL USE FOR A CELL TOWER AT CERTAIN REAL PROPERTY LOCATED AT RIDGE ROAD CHARTER MIDDLE SCHOOL IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading. Mr. Jimmy Hogan lives by the cell tower site and was displeased with the condition of the site and work that has been done (pictures were distributed for council members to view). Alderman Gipson said the subcontractor had made comments which were unacceptable. Mayor Hays asked Mr. Robert Voyles, Planning Director to check progress on these special use permits. Alderman Bryant thanked the Verizon representative for being present. The ordinance was read a second time and held at the request of the sponsors.

PUBLIC COMMENTS-----

Mr. Scott Miller, Argenta Neighborhood Boosters distributed a letter addressed to Mr. Wadley regarding Zoning Violations at 215 West 5th Street, which included a copy of a newspaper ad which ran June 21, 2006, for a boarding house in an R-3 zone. Numerous vehicles have been in the neighborhood and a lot of traffic in and out of this property. Mr. Miller also referenced NLRMC Section 117-64 (d) regarding permitted uses (7) and Section 117-58 (2) and (4). Mr. Matthew Richard spoke regarding the council allowing public comment. Ms. Betty Lindsey said there was a speed hump on her street in Scenic Hill and that it worked. Mr. James Ard said the back gate to the softball area was open and people were leaving with beverage containers. There were not enough police officers to monitor the area. Mr. Ard said he has observed North Little Rock Police Officers speeding. MEMS still hasn't given him copies he requested. Mr. Joe Reynolds asked if city inspectors were monitoring the Verizon towers. Mr. Reynolds also witnessed open gates at Burns Park. Ms. Gayle Alonzo said her home was burglarized recently and commended the North Little Rock Police Department for their work and professionalism. Mr. Mark McElroy said crime continues to be a concern of the Scenic Hill Crime Watch Group and encouraged the city to add more police officers. Alderman Gipson advised he has been involved in city government for 37 years, serving on the Planning Commission, and the past 24 years on the City Council. Alderman Gipson advised he will be retiring from the City Council at the end of his term.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the meeting adjourned at 8:37 p.m. (8/0), until the next regular meeting to be held on Monday, July 24, 2006, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK